

Abstract

Thesis title: Public law instruments to penalise the delict of restriction of competition.

This paper deals with issue of public law instruments to penalise delicts of restriction of competition in its strict sense Act No. 143/2001 Coll., Act on the Protection of Competition. The goal was to describe and evaluate the procedure for imposing sanctions, with regard on problematic institutes, and to analyze changes related to reform of administrative penalisation. This paper deals with both instruments of administrative law and criminal law.

The diploma thesis is divided into seven chapters and the introduction and the conclusion.

The first chapter defines the concepts of competition, competition law and its enforcement, with a focus on public enforcement of competition law.

The second and third chapters deal with sanction proceedings in competition-law cases and its differences from general regulation. In particular, it describes the procedure of penalisation with attention to new procedural legislation.

The fourth and fifth chapters contain a description of the particular offenses and penalties imposed for their violation. The largest part is devoted to the determination of the specific amount of the fine and the specifics of imposing fines on public authorities.

The sixth chapter deals with procedure of penalisation with respect to application of leniency program, settlement procedure and the acceptance of commitments. The institutes concerned are discussed in terms of their impact on the imposition of sanctions, namely the reduction of the fine, immunity from fine imposition and the termination of proceedings in the case of acceptance of commitments.

The seventh chapter deals with the instruments of criminal law. It describes the international trend of criminalization of cartels and the corresponding Czech criminal law legislation. It contains a description of doctrinal contradictions about interpretation of conception of perpetrator, his accountability, and the extent of criminalization itself.

The diploma thesis highlights the problematic parts of the regulation, and eventually of the postures of the Office for the Protection of Competition. This paper criticizes non-

conceptual approach to the changes o legislations and the absence of efort to originate single European competition policy.